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R/W

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)

Applicant(s): Edward van Nimwegen

Docket No.

15499.172.1

Serial No.
10/052,164Filing Date
January 17, 2002Examiner
not yet assignedGroup Art Unit
3711

Invention: GROUND-ANCHORED BASE FOR A PORTABLE BASKETBALL GOAL ASSEMBLY

TC 3700 MAIL JUL 12 2002

RECEIVED

I hereby certify that the following correspondence:

Supplemental Request for Corrected Filing Receipt (in duplicate); Copy of Credit Card Payment Form dated January 17, 2002; Copy of Madson & Metcalf Monthly Statement of Deposit Account for Account #130763 for the Month of January; Copy of Response to Request for Corrected Filing Receipt; Copy of Fee Transmittal Form; Certificate of Mailing by "Express Mail" (37 CFR 1.1) - Label # EV 100810451 US; and Postcard.

(Identify type of correspondence)

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231 on

July 8th, 2002

(Date)

RICHARD C. GILMORE

(Typed or Printed Name of Person Mailing Correspondence)

Richard C. Gilmore

(Signature of Person Mailing Correspondence)

EV 100810451 US

("Express Mail" Mailing Label Number)

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BOARD OF PATENT APPEALS
AND INTERFERENCES

Note: Each paper must have its own certificate of mailing.

EXPRESS MAILING LABEL NO.: EV 100810451 US

PATENT APPLICATION
Docket No. 15499.172.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Edward van Nimwegen

Serial No.: 10/052,164

Filed: January 17, 2002

For: GROUND-ANCHORED BASE FOR A PORTABLE
BASKETBALL GOAL ASSEMBLY

Assistant Commissioner for Patents
Washington, DC 20231

**ATTN: Customer Service Center
Office of Initial Patent Examination**

SUPPLEMENTAL REQUEST FOR CORRECTED FILING RECEIPT

Dear Sir:

Thank you for your Response to Request for Corrected Filing Receipt mailed on June 26, 2002, in connection with the above-identified patent application. A copy of the Response to Request for Corrected Filing Receipt is attached for your convenience.

The Response to Request for Corrected Filing Receipt states that small entity status was previously claimed in this application. Small entity status, however, was not previously claimed in the application.

The application was filed on January 17, 2002, and the application included a Credit Card Payment Form PTO-2038 in the amount of \$1,049.00, a copy of which is attached for your

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Art Unit
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convenience. As shown on the Fee Transmittal form filed with the application, Applicant paid a Large Entity Filing Fee of \$740.00 under 37 C.F.R. § 1.16(a). A copy of the fee transmittal form is attached for your convenience. In order to assert small entity status by payment of a small entity fee under 37 C.F.R. § 1.27 (c), a party must pay the exact amount of one of the small entity basic filing fees set forth in §§ 1.16 (a), (f), (g), (h) or (k). In this case, Applicant did not pay the exact amount of one of the small entity basic filing fees set forth in §§ 1.16 (a), (f), (g), (h) or (k). In contrast, Applicant paid the Large Entity Filing Fee of \$740.00 under 37 C.F.R. § 1.16 (a). Accordingly, Applicant did not assert small entity status under 37 C.F.R. § 1.27 (c). Thus, small entity status was not previously claimed in the application. Consequently, Applicant respectfully requests a corrected Official Filing Receipt no longer listing Applicant's status as a small entity.

Applicant, however, incorrectly paid the extra claim fee under 37 C.F.R. § 1.16 (b) for independent claims in excess of three and extra claim fee under 37 C.F.R. § 1.16 (c) for claims in excess of twenty as a small entity. Specifically, Applicant paid an extra claim fee of \$309, which is the small entity extra claim fee. Payment of the small entity extra claim fee, however, is not an assertion of small entity status under 37 C.F.R. § 1.27 (c) because §§ 1.16 (b) and 1.16 (c) are not included under § 1.27 (c) (as stated above, only §§ 1.16 (a), (f), (g), (h) and (k) apply to § 1.27 (c)). Thus, Applicant did not assert small entity status by payment of the small entity basic filing fee under § 1.27 (c). Therefore, Applicant did not previously claim small entity status in the application by payment of the extra claim fees as a small entity.

In addition to not previously claiming small entity status in the application, Applicant believes the error in payment of the extra claim fee by Applicant's previous attorney of record was in good faith and should be excused under 37 C.F.R. § 1.28 (c). In particular, as shown in the attached Fee Transmittal Form filed with the application, Applicant paid the basic filing fee as a large entity and paid the extra claim fee as a small entity. The Patent and Trademark Office originally noticed the error in the payment of the extra claim fee as a small entity and charged the deposit account of Applicant's previous attorney of record \$284.00 as the deficiency owned by the applicant. A copy of the Monthly Statement of Deposit Account for Applicant's previous attorney of record is attached.

The undersigned, who is now Applicant's attorney of record, however, believes that the deficiency owed was \$309.00 and not \$284.00 charged by the PTO. Specifically, the undersigned believes an extra claim fee for twenty-five (25) claims in excess of twenty claims at a fee of eighteen dollars (\$18.00) and two (2) independent claims in excess of three at a fee of eighty-four (\$84.00) should have resulted in a extra claims fee of \$618.00. Applicant, however, originally paid an extra claim fee of \$309.00 and the PTO charged the deposit account of Applicant's previous attorney of record \$284.00. Therefore, the undersigned believes a deficiency of \$25.00 is owed. Accordingly, enclosed is Credit Card Payment Form PTO-2038 in the amount of \$25.00 to correct the previous erroneous payment of the small entity extra claim fee.

In summary, the undersigned believes that Applicant was not previously entitled to small entity status and that the erroneous payment of the small entity extra claims fee was a good faith error by Applicant's previous attorney of record. Moreover, Applicants have corrected the

Customer Service Center
Office of Initial Patent Examination
Assistant Commissioner for Patents
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deficiency owed by enclosing the Credit Card Payment Form PTO-2038 in the amount of \$25.00.

Thus, Applicant respectfully requests a corrected Official Filing Receipt which does not list Applicant as a small entity be promptly mailed to the undersigned.

The undersigned has made a good faith effort to respond to the Response to Request for Corrected Filing Receipt and to correct payment of the fees associated with filing this application. If any questions remain, however, please contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized to charge payment of any additional fees or credit any overpayment to Deposit Account No. 23-3178. A duplicate copy of this letter is enclosed.

DATED this 9th day of June 2002.

Respectfully submitted,


Richard C. Gilmore
Attorney for Applicant
Registration No. 37,335

WORKMAN, NYDEGGER & SEELEY
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111
Telephone: (801) 533-9800
Facsimile: (801) 328-1707



UNITED STATES PATENT AND TRADEMARK OFFICE

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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/052,164	01/17/2002	Edward G. van Nimwegen	1002.2.88

CONFIRMATION NO. 3186

022913
WORKMAN NYDEGGER & SEELEY
1000 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SALT LAKE CITY, UT 84111



OC00000008356384

Atty 61 DOCKETED
By SP2 File # 13199172.1
On 7/2/02
Action /

Date Mailed: 06/26/2002

RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT

Publication and General Rules Issues

In response to your request for a corrected Filing Receipt, the Office is unable to comply with the request because:

- The articles such as "a", "an", and "the" are not included as the first words in the title of an application. They are considered to be unnecessary to the understanding of the title.
- The words "new", "improved", "improvement of", "improvement in", or "improvement relating to" are not included as the first words in the title of an application because a patent application is, by nature, a new idea or improvement. See MPEP 606.
- The title appears on the filing receipt in sentence case for publication in the Annual Index of Patents.
- Amendments are not accepted in provisional applications. See 37 CFR 1.53(c).
- An amendment or Application Data Sheet is needed to make this change.
- The inventor's residence will only include the city and state for U.S. residences or city and country for residences outside the U.S. (See MPEP 605.02.)
- Continuity claimed under 35 USC 120 cannot be added to the Filing Receipt without the applicant supplying the relationship (continuation, divisional, or continuation-in-part) in an Application Data Sheet or amendment to the first page of the specification.

Small entity status was previously claimed in this application. To notify the Office of a loss of entitlement to small entity status, see 37 CFR 1.27(g). To have a good faith error in claiming small entity status excused, see 37 CFR 1.28(c).

The request for non-publication was not timely filed. A request for non-publication must be submitted upon filing of an application. The application is scheduled to be published on the date specified on the filing receipt. See 37 CFR 1.213(a)(1)

The request for non-publication has not been recognized because it is not conspicuous as required by 37 CFR 1.213(a)(2)

The request for non-publication has not been recognized because it does not contain the certification as required by 37 CFR 1.213(a)(3).

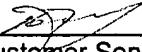
The request for non-publication has not been recognized because it is not signed in compliance with 37 CFR 1.33(b) as required by 37 CFR 1.213(a)(4).

There was no prior request for non-publication in this application. The request to rescind the non-publication request will not be processed.

Your request for non-publication will not be acknowledged because this application is not eligible for publication. Only utility and plant applications filed on or after November 29, 2000 are eligible for publication.

The "Non-Publication Request" indicator is correct. If there was a proper request submitted at the time of filing, the notation on the filing receipt will be "Yes". If no such request was made, the notation will be "No".

Assignment information will only be included for applications that are eligible for publication.


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Office of Initial Patent Examination
(703) 308-1202

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Approved for use through 10/31/2002. OMB 0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL
for FY 2002**

Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT **\$ 1,089.00**

METHOD OF PAYMENT (check all that apply)

 Check Credit card Money Order Other None Deposit Account:

Deposit Account

Number

13-0763

Deposit Account

Name

MADSON & METCALF

The Commissioner is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) during the pendency of this application
 Charge fee(s) indicated below, except for the filing fee
 to the above-identified deposit account

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	740		
106	330	206	165	Design filing fee			
107	510	207	255	Plant filing fee			
108	740	208	370	Reissue filing fee			
114	160	214	80	Provisional filing fee			
SUBTOTAL (1)					740		

2. EXTRA CLAIMS FEES FOR UTILITY AND REISSUE

Total Claims	45	-20** =	25	x	9	=	225	Extra Claims Fee from below	Fee Paid
Ind. Claims	5	-3** =	2	x	42	=	84		
Multiple Dep. Claims			0	x	140	=	0		

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
103	18	203	9	Claims in excess of 20			
102	84	202	42	Independent claims in excess of 3			
104	280	204	140	Multiple dependent claim			
109	84	209	42	**Reissue independent claims over original patent			
110	18	210	9	**Reissue claims in excess of 20 and over original patent			
SUBTOTAL (2)					309		

**or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2520	147	2520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1840*	113	1840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1440	218	720	Extension for reply within fourth month	
128	1960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1510	138	1510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1280	241	640	Petition to revive - unintentional	
142	1280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	40
146	740	246	370	Filing a submission after final rejection (37 CFR 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

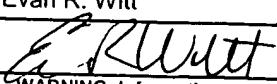
Other fee (specify) _____

*Reduced by Basic Filing Fee

SUBTOTAL (3)

40

SUBMITTED BY

Typed or Printed Name	Complete (if applicable)		
Evan R. Witt		Reg. Number	32,512
	Jan 17, 2002	Deposit Account User ID	

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

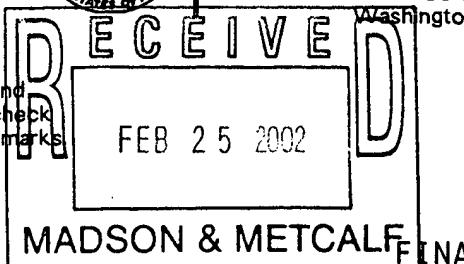
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**MONTHLY STATEMENT
OF DEPOSIT ACCOUNT**

To replenish your Deposit Account, detach and return top portion with your check. Make check payable to Commissioner of Patents & Trademarks



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130763
Date
1-31-02
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1

MADSON & METCALF
ATT: L CRAIG METCALF
15 W. SOUTH TEMPLE
SUITE 900
SALT LAKE CITY UT 84101

PLEASE SEND REMITTANCES TO:
Patent and Trademark Office
P.O. Box 70541
Chicago, Ill. 60673

DATE POSTED			DESCRIPTION (Serial, Patent, TM, Order)	DOCKET NO.	FEE CODE	CHARGES/ CREDITS	BALANCE
MO.	DAY	YR.					
1	3	02	83	76167111	2103.3.3	362	100.00
1	8	02	10	09726872	3180.2.1	215	55.00
1	9	02	2	2218445		377	2100.00
1	9	02	102	29148723	4000.2.83	106	330.00
1	9	02	103	29148723	4000.2.83	105	130.00
1	10	02	1	09726872	3180.2.1	203	18.00
1	10	02	2	09726872	3180.2.1	202	84.00
1	10	02	14	29148723	4000.2.83	106	-330.00
1	10	02	15	29148723	4000.2.83	105	-130.00
1	11	02	1	09213987	1733.2.43	115	110.00
1	15	02	383	PCT/US01/18812	1737.2.6	803	9.00
1	15	02	423	PCT/US01/11632	4000.2.8.1	803	9.00
1	17	02	183	512572		466	15.00
1	17	02	346	PCT/US01/19283	1737.2.2.1	803	9.00
1	18	02	19	09508153	1512.2.85	115	110.00
1	18	02	69	60347101	1002.2.106P	114	160.00
1	22	02	7	09946079	23200.2.1.7	203	-9.00
1	24	02	50	10047769	SLA1062	101	740.00
1	24	02	51	10047769	SLA1062	103	414.00
1	28	02	1	10047769	SLA1062	101	-740.00
1	28	02	2	10047769	SLA1062	103	-414.00
1	28	02	78	10052164	1002.88	103	284.00
1	28	02	231	60347101	1002.2.106P	114	-160.00
AN AMOUNT SUFFICIENT TO COVER ALL SERVICES REQUESTED MUST ALWAYS BE ON DEPOSIT.			OPENING BALANCE 4641.00	TOTAL CHARGES 4677.00	TOTAL CREDITS 1783.00	CLOSING BALANCE 1747.00	